

## **IN THE CLAIMS**

Claim 1 has been amended as follows:

1. (Currently Amended) A method for assessing pulmonary stress comprising the steps of conforming to a constant pressure or a pre-set pressure:

generating a pressure controlled flow of respiratory gas, at a pressure profile, associated with a subject having air waves exhibiting resistance and compliance;

measuring said flow; and

determining said resistance and said compliance from said pressure and said low; and

determining a stress index value, representative of pulmonary stress of said subject, from said pressure, said flow, said resistance and said compliance said stress index value having a magnitude that indicates whether the compliance is increasing or decreasing during inspiration.

Claim 2 has been amended as follows:

2. (Currently Amended) A method as claimed in claim 1 comprising determining said stress index value from the relationship

$$P(t) = R * \dot{V} + \frac{V^b}{C} + P(0).$$

wherein P(t) is airway pressure, V is lung volume,  $\dot{V}$  is airway flow, R is resistance, C is ~~compliance~~ a constant, and P(0) is a starting pressure.

3. (Original) A method as claimed in claim 1 comprising determining said stress index value on a breath-by-breath basis.

4. (Original) A method as claimed in claim 1 comprising determining said stress index value as an average over a plurality of breaths.

Claim 5 has been amended as follows:

5. (Currently Amended) A breathing apparatus comprising:

a respiratory line adapted for connection to airways of a subject, said airways exhibiting a resistance and a compliance;

a regulator connected to said respiratory line ~~for regulating~~ that regulates a respiratory gas pressure[[,]] to maintain said respiratory gas pressure at a pressure[[,]] in said respiratory line conforming to a constant pressure or a pre-set pressure profile;

a flow meter in fluid communication with said respiratory line ~~for measuring~~ that measures a flow of said respiratory gas in said respiratory line; and

a control unit connected to said gas regulator ~~for controlling~~ to control said gas regulator, and ~~for~~ said control unit determining said resistance and said compliance from said pressure and said flow and determining a stress index value, representative of pulmonary stress of said subject, from said pressure, said flow, said resistance and said compliance said stress and a value having a magnitude indicating whether the compliance is increasing or decreasing during inspiration.

Claim 6 has been amended as follows:

6. (Currently Amended) A breathing apparatus as claimed in claim 5 wherein said control unit determines said stress index value according to the relationship

$$P(t) = R * \dot{V} + \frac{V^b}{C} + P(0).$$

wherein  $P(t)$  is airway pressure,  $V$  is lung volume,  $\dot{V}$  is airway flow,  $R$  is resistance,  $C$  is ~~compliance~~ a component, and  $P(0)$  is a starting pressure.

7. (Original) A breathing apparatus as claimed in claim 5 wherein said control unit determines said stress index value on a breath-by-breath basis.

8. (Original) A breathing apparatus as claimed in claim 5 wherein said control unit determines said stress index value as an average over a plurality of breaths of said subject.

9. (Original) A breathing apparatus as claimed in claim 5 wherein said control unit compares said stress index value to a predetermined interval and assesses said subject as exhibiting a minimum of pulmonary stress is within said predetermined interval, and assesses said subject as exhibiting pulmonary stress due to alveolar opening and closing if said stress index value is below said predetermined interval, and assesses said subject as exhibiting pulmonary stress due to alveolar overdistention if said stress index value is above said predetermined interval.

10. (Original) A breathing apparatus as claimed in claim 9 wherein said control unit employs an interval as said predetermined interval having a lower limit between 0.5 and 0.95 and an upper limit between 1.05 and 1.5.

11. (Original) A breathing apparatus as claimed in claim 5 comprising a display unit connected to said control unit for displaying humanly perceptible information, and an alarm unit connected to said control unit for emitting a humanly perceptible alarm, and wherein said control unit sets at least one control parameter for controlling breathing of the subject via said respiratory line, and wherein said control unit, dependent on said stress index value, takes at least one action selected from the group of actions consisting of generating an alarm via said alarm unit that

pulmonary stress is present, generating a warning on said display unit that pulmonary stress is present, determining a change in said at least one control parameter and displaying said change on said display unit, determining a change of said at least one control parameter and automatically resetting said at least one control parameter according to said change, displaying a recommendation for a recruiting maneuver on said display unit, and automatically performing a recruiting maneuver.

12. (Original) A breathing apparatus as claimed in claim 8 wherein said control unit employs a control parameter, as said at least one control parameter, selected from the group consisting of Positive and Expiratory Pressure, fraction of oxygen in the respiratory gas, and tidal volume.